

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-6, 8-10, 12-20, 23-24 and 27-33 are pending. The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. Informalities are corrected. The specific compounds of claim 7 are incorporated in claim 1. Organic compounds are specified as natural amino acids, their oligomers, and their polymers based on claim 13. Cancellation of subject matter from the claims is without prejudice or disclaimer to their future prosecution.

The undersigned acknowledges the courtesy of the Examiner and his supervisor during the interview conducted by telephone on May 14, 2009. Several amendments were discussed to overcome the claim objection and Section 112 rejections. In particular, Examiner Jiang suggested that the objection to claims specifying an "association" between the derivative and organic compound (see claim 12) could be overcome by reciting that the derivative --further comprises-- at least at least one organic compound.

Examiner Henry acknowledged in the Office Action that claim 8 is allowed. Applicants note that it should have been stated that claim 10 was also allowed. Finally, since claim 15 was objected to, it was rewritten in independent form in accordance with the Examiner's statement at the bottom of page 10 of the Office Action.

Claim Objection

Claim 7 was objected to as allegedly informal. This objection is mooted by the cancellation of the claim. The specific compounds are spelled correctly in claim 1. Withdrawal of the objection is requested.

35 U.S.C. 112 – Written Description

Claims 21-22 and 25-26 were rejected as allegedly failing to comply with the written description requirement. Applicants traverse because cancellation of the claims moots this rejection. Withdrawal of the written description rejection is requested.

35 U.S.C. 112 – Definiteness

Claims 12-18, 20, 22 and 24-27 were rejected as allegedly indefinite. Applicants traverse for the following reasons.

The phrase “associated with” is deleted from claims 12, 20 and 24. Examiner Jiang’s suggestion to amend the claims is adopted. In claim 20, “associating” is replaced by --reacting-- in accordance with page 11, lines 5-8, of the specification.

Cancellation of claims 22 and 25-26 moots the remaining rejections.

Applicants request withdrawal of the Section 112, second paragraph, rejection because the pending claims are clear and definite.

35 U.S.C. 103 – Nonobviousness

A claimed invention is unpatentable if the differences between it and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. *In re Kahn*, 78 USPQ2d 1329, 1334 (Fed. Cir. 2006) citing *Graham v. John Deere*, 148 USPQ 459 (1966). A determination of prima facie obviousness requires a reasonable expectation of success. See *In re Rinehart*, 189 USPQ 143, 148 (C.C.P.A. 1976).

Claims 1-6, 9, 12-13, 19, 23-24 and 27 were rejected as allegedly unpatentable over FIDIA (EP 0 555 898). Applicants traverse because only specific pyrimidine and purine bases may be the at least one heterocyclic compound in the present claims. In particular, acyclovir is not a heterocyclic compound within their scope.

Claims 1-6, 9, 11-12, 16-18 and 23-24 were rejected as allegedly unpatentable over Bellini et al. (WO 00/01733). Applicants traverse because only specific pyrimidine and purine bases may be the at least one heterocyclic compound in the present claims. In particular, acyclovir, adenine, and iodouridine are not heterocyclic compounds within their scope. Although Applicants continue to disagree with the Examiner that a derivative between hyaluronic acid and adenine is disclosed by Bellini, the present claims are amended to advance prosecution.

Note that claim 15 was not rejected here because it is a derivative of hyaluronic acid and adenine, and further comprising polylysine (i.e., adenine hyaluronate, polylysine), which is neither taught nor suggested by the prior art.

Withdrawal of the Section 103 rejections is requested because the claims would not have been obvious to one of ordinary skill in the art when this invention was made.

Conclusion

Having fully responded to the pending Office Action, Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if additional information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Gary R. Tanigawa/
Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100